

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLEINNOVATIVE SOLUTIONS  
INTERNATIONAL, INC.,

Plaintiff,

v.

HOULIHAN TRADING CO., INC., *et al.*,

Defendants.

CASE NO. C22-0296-JCC

ORDER

This matter comes before the Court on the submission of deposition testimony designated for use at trial (Dkt. No. 285). The parties seek advance rulings on objections made to the testimony of certain witnesses pursuant to Federal Rule of Civil Procedure 32. (*See generally* Dkt. No. 285.) Accordingly, the Court issues the following rulings:

**Dan Cook (30(b)(6) for Cook Int'l Trade & Brokerage)**

Page:Line:Word Range Designation I.D. (Designating Party)	Nature of Objection	Ruling
39:1:1-39:15:2 DES--1568 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
56:13:1-57:15:2 DES--1574 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
57:16:1-57:17:1 DES--1575 (Innovative Affirmative)	(Same as above.) <sup>1</sup>	<b>OVERRULED.</b>
58:19:1-58:25:5 DES--1580 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
60:22:1-61:19:5 DES--1581 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
62:22:1-63:1:7 DES--1582 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
71:10:1-71:12:8 DES--1584 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
71:21:1-71:23:5 DES--1586 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
72:15:1-72:19:4 DES--1587 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
73:14:1-73:18:1 DES--1588 (Innovative Affirmative)	Pilgrim's objects under FRE 602 (speculation).	<b>OVERRULED.</b>
74:19:1-75:14:3 DES--1589 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
75:21:1-77:22:3 DES--1590 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
77:23:1-78:11:4 DES--2014 (Pilgrim's Counter to Innovative)	Innovative objects to testimony/argument about 584 Chicken being classified as "for export only," consistent with its MIL #3.	<b>OVERRULED.</b>
81:10:1-81:18:9 DES--1594 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
114:21:1-115:1:4 DES--1595 (Innovative Affirmative)	Pilgrim's objects under FRE 801-802 (hearsay), 401-403 (relevance), and 602 (speculation).	<b>OVERRULED.</b>

<sup>1</sup> The notation "(Same as above.)" indicates that the party made the same objection(s) as in the preceding entry.

Page:Line:Word Range Designation I.D. (Designating Party)	Nature of Objection	Ruling
118:25:1-119:6:4 DES--1596 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>

**Bryan Griggs (30(b)(6) for Brighton Group)**

Page:Line:Word Range Designation I.D. (Designating Party)	Nature of Objection	Ruling
28:7:1-28:9:4 DES--1938 (Houlihan Crossclaim)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
38:23:1-39:1:2 DES--1610 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
59:1:1-59:11:4 DES--2029 (Houlihan's Counter Designation to Pilgrim's)	(Same as above.)	<b>OVERRULED.</b>

**Mike Henry (30(b)(6) for Pilgrim's Pride)**

Page:Line:Word Range Designation I.D. (Designating Party)	Nature of Objection	Ruling
9:4:1-10:5:2 DES--1418 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
27:6:1-27:9:2 DES--1421 (Innovative Affirmative)	Pilgrim's objects under FRE 602 (speculation).	<b>OVERRULED.</b>
31:5:1-31:8:2 DES--1422 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
31:13:3-31:18:2 DES--1423 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
44:6:1-44:18:4 DES--1424 (Innovative Affirmative)	(Same as above.)	<b>DEFERRED.</b> Pilgrim's appears to take issue with the underlying exhibit. As such, the Court DEFERS ruling until the exhibit is presented at trial.

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
47:18:1-48:16:3 DES--1426 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
52:2:1-52:10:4 DES--1427 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
53:25:1-54:11:4 DES--1428 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
54:19:1-54:22:5 DES--1429 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
55:2:1-55:12:4 DES--1430 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
60:4:3-60:9:1 DES--1431 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 701 (improper lay opinion).	<b>OVERRULED.</b>

**Cara Huntsman (30(b)(6) for Henley's Wholesale Meats)**

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
25:21:1-26:2:8 DES--1333 (Pilgrim's Affirmative)	Houlihan objects under FRE 602 (speculation).	<b>OVERRULED.</b>
36:3:1-36:6:7 DES--2031 (Houlihan and Innovative Counter Designation to Pilgrim's)	Pilgrim's objects under FRE 602 (speculation) and 703 (improper opinion testimony).	<b>OVERRULED.</b>
43:18:1-44:12:9 DES--1269 (Pilgrim's Initial & Counter Designation to Innovative)	Innovative objects under FRE 801-802 (hearsay).	<b>OVERRULED.</b> Not offered for hearsay purpose.
44:20:1-45:8:4 DES--1270 (Pilgrim's Initial & Counter Designation to Innovative)	(Same as above.)	<b>OVERRULED.</b> Not offered for hearsay purpose but for its effect on the listener.

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
45:12:1-46:20:2 DES--1280 (Pilgrim's Initial & Counter Designation to Innovative)	(Same as above.)	<b>OVERRULED.</b> Not offered for hearsay purpose but for its effect on the listener.
61:11:1-62:5:5 DES--1791 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>SUSTAINED.</b>
78:1:1-78:23:3 DES--1284, 2017 (Pilgrim's Initial & Counter Designation to Innovative)	Innovative objects under FRE 401- 403 (relevance)	<b>OVERRULED.</b>
81:8:1-81:15:9 DES--1344 (Pilgrim's Initial & Counter Designation to Innovative)	Houlihan objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
81:22:1-82:17:1 DES--1285 (Pilgrim's Initial & Counter Designation to Innovative)	Innovative objects under FRE 401- 403 (relevance).	<b>OVERRULED.</b>
98:8:1-98:12:6 DES-1809 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance).	<b>OVERRULED.</b>
99:23:1-100:7:2 DES--1810 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
108:16:1-109:3:5 DES--1813 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
115:1:1-116:21:6 DES--1814 (Innovative Affirmative)	Pilgrim's objects under FRE 801- 802 (hearsay), 401-403 (relevance), and 602 (speculation).	<b>OVERRULED.</b> Not offered for hearsay purpose.
117:13:1-118:25:5 DES--1815 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b> Not offered for hearsay purpose.
119:3:1-119:5:4 DES--1816 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>

**Billy Marcus (30(b)(6) for Marcus Technologies)**

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
39:23:1-43:22:5 DES--1688 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
49:7:1-50:15:8 DES--1690 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
50:20:1-51:5:2 DES--1691 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
57:11:1-57:23:6 DES--1306 (Pilgrim's Initial)	Innovative objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
67:15:1-68:7:5 DES--1697, 1921 (Innovative Affirmative; Houlihan Crossclaim)	Pilgrim's objects to both under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>

**Dolan Patterson**

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
17:6:1-17:24:3 DES--1435, 1943 (Innovative Affirmative; Houlihan Crossclaim)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
18:15:1-18:17:2 DES--1436, 1944 (Innovative Affirmative; Houlihan Crossclaim)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
19:3:1-19:18:4 DES--1945 (Houlihan Crossclaim)	(Same as above.)	<b>OVERRULED.</b>
21:7:1-21:18:1 DES--1438 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance).	<b>DEFERRED.</b> Pilgrim's appears to take issue with the underlying exhibit. As such, the Court DEFERS ruling until the exhibit is presented at trial.

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
22:1:1-22:17:6 DES--1439 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
22:24:1-23:8:4 DES--1441 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
23:1:1-24:19:2 DES--1442, 1443, 1946 (Innovative Affirmative; Houlihan Crossclaim at 24:3:1-24:19:2)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
25:6:1-26:1:2 DES--1444, 1947 (Innovative Affirmative; Houlihan Crossclaim at 25:13:1-26:1:2)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
26:19:1-27:15:5 DES--1445, 1948 (Innovative Affirmative; Houlihan Crossclaim at 26:25:1-27:5:6)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
27:23:1-29:6:5 DES--1446 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
29:10:1-29:25:3 DES--1447 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
32:12:1-33:16:7 DES--1448 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
33:25:1-36:21:6 DES--1449, 1450, 1451, 1452, 1949 (Innovative Affirmative; Houlihan Crossclaim at 35:5:1-35:13:6)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
45:16:1-46:13:2 DES--1454, 1950 (Innovative Affirmative; Houlihan Crossclaim)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
47:2:1-47:12:6 DES--1455, 1951 (Houlihan Crossclaim; Innovative Affirmative at 47:2:1-47:9:3)	(Same as above.)	<b>OVERRULED.</b>
47:18:1-48:8:7 DES--1456, 1952 (Innovative Affirmative; Houlihan Crossclaim)	(Same as above.)	<b>OVERRULED.</b>
49:1:1-49:15:5 DES--1457 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
50:7:1-52:3:6 DES--1458, 1459 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance).	<b>OVERRULED.</b>
54:7:1-58:25:2 DES--1460-64, 1953, 1954 (Innovative Affirmative; Houlihan Crossclaim at 54:16:1-54:25:7 and 56:11:1-58:3:9)	(Same as above.)	<b>OVERRULED.</b>
59:1:1-59:11:2 DES--1465, 1955 (Houlihan Crossclaim; Innovative Affirmative at 59:1:1-59:7:7)	Pilgrim's objects under FRE 401- 403 (relevance) and 701 (improper lay opinion).	<b>OVERRULED.</b>
63:16:1-65:25:4 DES--1467-69 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
66:1:1-66:4:4 DES--1470 (Innovative Affirmative)	Houlihan objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
66:24:1-67:17:2 DES--1471 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
67:25:1-68:8:1 DES--1472 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance).	<b>OVERRULED.</b>
68:12:1-69:23:11 DES--1473, 1474 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>



<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
74:12:1-74:16:4 DES--1475 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance).	<b>DEFERRED.</b> Pilgrim's appears to take issue with the underlying exhibit. As such, the Court DEFERS ruling until the exhibit is presented at trial.
75:2:1-76:2:2 DES--1476 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
76:11:1-77:3:11 DES--1477 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
77:10:1-78:9:2 DES--1478, 1479 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
88:12:1-89:18:5 DES—1480, 1481 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
100:5:1-100:10:2 DES--1484 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>

**Jacob Shumaker (30(b)(6) for Shumaker Int'l)**

<b>Page:Line:Word Range Designation I.D. (Designating Party)</b>	<b>Nature of Objection</b>	<b>Ruling</b>
54:23:1-55:1:2 DES---1725, 1972 (Innovative Affirmative; Houlihan Crossclaim)	Pilgrim's objects under FRE 401-403 (relevance).	<b>OVERRULED.</b>
57:18:1-58:7:5 DES--1726 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
59:7:1-59:22:7 DES--1728 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
60:7:1-60:10:2 DES--1729 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
65:7:1-65:15:2 DES--1730 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>

Page:Line:Word Range Designation I.D. (Designating Party)	Nature of Objection	Ruling
65:16:1-65:25:2 DES--1731, 1973 (Houlihan Crossclaim; Innovative Affirmative at 65:21:1-65:25:2)	(Same as above.)	<b>OVERRULED.</b>
74:6:1-76:15:11 DES--1733, 1975 (Innovative Affirmative; Houlihan Crossclaim at 74:13:1-76:15:11)	Pilgrim's objects under FRE 401- 403 (relevance), FRE 602 (speculation), FRE 801-802 (hearsay).	<b>SUSTAINED in part.</b> Statement at 75:9:1-75:10:8 is being offered for hearsay purpose. <b>OVERRULED</b> on everything else.
78:11:1-78:16:2 DES--1734 (Innovative Affirmative)	(Same as above.)	<b>OVERRULED.</b>
80:11:1-80:14:5 and 80:20:1-80:23:3 DES--1738, 1739 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
91:2:1-91:24:3 DES--1741, 1977 (Innovative Affirmative; Houlihan Crossclaim)	(Same as above.)	<b>OVERRULED.</b>
92:5:1-92:24:6 DES--1742, 1978 (Innovative Affirmative; Houlihan Crossclaim at 92:5:1-92:22:2)	(Same as above.)	<b>OVERRULED.</b>
97:7:1-98:9:2 DES--1743 (Innovative Affirmative)	Pilgrim's objects under FRE 602 (speculation).	<b>OVERRULED.</b>
104:11:1-104:25:8 and 105:6:1-105:20:2 DES--2018, 2019 (Pilgrim's Counter to Innovative)	Innovative objects under FRE 801- 802 (hearsay).	<b>OVERRULED.</b> Not offered for hearsay purpose.
108:18:1-108:19:3 and 109:1:1-109:13:2 DES--1747, 1748 (Innovative Affirmative)	Pilgrim's objects under FRE 401- 403 (relevance), 602 (speculation), and 703 (improper lay opinion).	<b>OVERRULED.</b>
120:1:1-120:9:8 DES--1749 (Innovative Affirmative)	Pilgrim's objects under FRE 602 (speculation) and 703 (improper lay opinion).	<b>OVERRULED.</b>

Page:Line:Word Range Designation I.D. (Designating Party)	Nature of Objection	Ruling
150:1:1-150:14:2 DES--1752 (Innovative Affirmative)	Pilgrim's objects under FRE 401-403 (relevance) and 602 (speculation).	<b>OVERRULED.</b>
154:1:1-154:4:2 DES--1753, 1981 (Innovative Affirmative; Houlihan Crossclaim)	(Same as above.)	<b>OVERRULED.</b>
154:9:1-154:13:2 DES--1754, 1982 (Innovative Affirmative; Houlihan Crossclaim)	Pilgrim's objects under FRE 401-403 (relevance), 602 (speculation), and 703 (improper lay opinion).	<b>OVERRULED.</b>
157:3:1-157:4:5 and 157:7:1-157:19:3 DES--1299, 1300, 2020, 2021 (Pilgrim's Initial & Counter to Innovative)	Innovative objects under FRE 401-403 (relevance).	<b>DEFERRED.</b> Witness said he was convicted in connection with the 2008 financial crisis, but it is unclear when exactly he was convicted (or released). The Court must ascertain at trial if 10 years have passed since witness' conviction and/or release (whichever is later).

**Jason Larson (30(b)(6) for Trader Joe's)**

Page:Line:Word Range Designation I.D. (Designating Party)	Nature of Objection	Ruling
84:5:1-84:20:4 DES--2037 (Innovative Affirmative)	Pilgrim's objects under FRE 602 (speculation).	<b>OVERRULED.</b>
84:21:1-85:10:1 DES--2038 (Innovative Affirmative)	Pilgrim's objects under FRE 602 (speculation) and 703 (improper opinion testimony).	<b>OVERRULED.</b>
97:25:1-99:15:3 DES--1263 (Pilgrim's Counter to Innovative)	Innovative objects under FRE 401-403 (relevance) and 602 (speculation).	<b>DEFERRED</b> until the Court can see a copy of Exhibit 71.

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1 DATED this 19th day of November 2024.

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4 A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
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